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AO 120 (Rev. 3/2004)

TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	Mail Stop 8 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Michigan on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 1:07-cv-1033	DATE FILED 10/12/2007	U.S. DISTRICT COURT Western District of Michigan - at Grand Rapids
PLAINTIFF Petter Investments, Inc.		DEFENDANT Hydro Engineering Inc., et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See attached copy of complaint with exhibits		
2 6,021,792		
3 6,799,591		
4 7,258,749		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
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In the above—entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK RONALD C. WESTON, SR.	(BY) DEPUTY CLERK /s/ Carleen Rather	DATE 10/17/2007
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

October 12, 2007 2:01 PM

RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

PETTER INVESTMENTS, INC.,
a Michigan corporation,

Plaintiff,

Civil Action No. —

1:07-cv- 1033
Gordon J Quist
US District Judge

v.

HYDRO ENGINEERING INC.,
a Utah corporation, and
HYDRO ENGINEERING
EQUIPMENT & SUPPLY CO.,
a Utah limited liability partnership,

JURY TRIAL DEMANDED

Defendants.

COMPLAINT

Plaintiff Petter Investments, Inc., files this Complaint for declaratory judgment and patent infringement against Defendants Hydro Engineering, Inc., and Hydro Engineering Equipment & Supply Co. (collectively "Defendants") and in support thereof alleges:

I: THE PARTIES

1. Plaintiff Petter Investments, Inc., is a Michigan corporation with a principal place of business at 233 Veterans Boulevard, South Haven, Michigan 49090. Plaintiff Petter Investments, Inc., also does business under the names Riveer Company and Riveer Environmental.

2. Upon information and belief, Defendant Hydro Engineering Inc., is a Utah corporation with a principal place of business at 865 W. 2600 S., Salt Lake City, Utah 84119.

3. Upon information and belief, Defendant Hydro Engineering Equipment & Supply Co. is a Utah limited liability partnership with a principal place of business at 865 W. 2600 S., Salt Lake City, Utah 84119.

4. Hydro Engineering Inc. has substantial contacts within this district and in the state of Michigan.

5. Hydro Engineering Equipment & Supply Co. has substantial contacts within this district and in the state of Michigan.

II: JURISDICTION AND VENUE

6. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331, 1338, 2201 and 2202.

7. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c).

III: BACKGROUND

8. United States Letters Patent No. 6,021,792 ("the '792 patent") was duly and legally issued February 8, 2000, for an invention entitled MODULAR CLEANING FACILITY. Plaintiff Petter Investments, Inc., is the owner of the '792 patent. (Exh. A).

9. United States Patent No. 6,799,591 to McCormick et al. ("the '591 patent") entitled WASH FLUID CONTAINMENT SYSTEM issued on October 5, 2004, and is assigned on its face to Defendant Hydro Engineering, Inc. (Exh. B).

10. United States Patent No. 7,258,749 to McCormick et al. ("the '749 patent") entitled WASH FLUID CONTAINMENT SYSTEM issued on August 21, 2007, and is assigned on its face to Defendant Hydro Engineering Equipment and Supply Co. (Exh. C).

11. On September 7, 2007, Defendants sent a letter ("September letter") to Riveer Environmental alleging that Riveer's wash pads constitute an infringement of the '591 patent and the '749 patent. (Exh. D).

12. In the September letter, Defendants demanded that Riveer Environmental cease and desist manufacturing, using, or selling Riveer wash pads.

13. Such conduct has placed Plaintiff under a reasonable apprehension of litigation relating to the accused infringement of the '591 patent and the '749 patent.

IV: DECLARATORY JUDGMENT

14. Plaintiff incorporates by reference the allegations of Paragraphs 1-13 of the Complaint.

15. Defendants have vigorously asserted infringement of the '591 patent and the '749 patent against Plaintiff.

16. Plaintiff does not infringe the '591 patent or the '749 patent.

17. An actual controversy under 28 U.S.C. §§ 2201 and 2202 exists between the Plaintiff and Defendants as to infringement of the '591 patent and the '749 patent.

WHEREFORE, Plaintiff respectfully requests:

- A. a declaration that the '591 patent is not infringed by the Plaintiff;
- B. a declaration that the '749 patent is not infringed by the Plaintiff;
- C. an award of Plaintiff's attorneys' fees;
- D. an award of Plaintiff's costs; and
- E. such other relief as is proper and appropriate under the circumstances.

COUNT I: PATENT INFRINGEMENT

18. Plaintiff incorporates by reference the allegations of Paragraphs 1-17 of this Complaint.

19. Defendants have been infringing and continue to infringe the '792 patent by making, using, selling, and/or offering for sale the invention claimed in the '792 patent in the United States, including in this judicial district, and have contributed and continue to contribute

to the infringement of the '792 patent and/or have induced and continue to induce others to infringe the '792 patent, in violation of the United States patent laws.

20. Defendants' infringement of the '792 patent was and is willful and deliberate.

21. Plaintiff will continue to be damaged and irreparably harmed if Defendants are not enjoined from infringing or actively inducing or contributing to the infringement of the '792 patent.

22. Plaintiff has marked its products with the requisite statutory notice pursuant to 35 U.S.C. § 287 and Defendants had actual notice of their infringement of the '792 patent.

WHEREFORE, Plaintiff prays:

- A. that a judgment be entered that Defendants have infringed the '792 patent;
- B. that a judgment be entered that Defendants have willfully infringed the '792 patent;
- C. that Defendants, their officers, agents, and affiliates be permanently enjoined from continuing to infringe, contributorily infringe and/or inducing infringement of the '792 patent;
- D. that Plaintiff be awarded damages in an amount sufficient to compensate Plaintiff for Defendants' infringement of the '792 patent, and that such damages be trebled in accordance with the Patent Act because such infringement has been willful and deliberate, and that prejudgment interest and post-judgment interest be awarded;
- E. that Plaintiff be awarded reasonable attorneys' fees and costs incurred in this action; and
- F. that Plaintiff be awarded such other relief that the Court deems just and proper.

JURY DEMAND

Plaintiff respectfully demands a trial by jury on each and every issue, question, and/or count so triable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eugene J. Rath III", written over a horizontal line.

Dated: October 12, 2007

Eugene J. Rath III (P56075)
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